

10/31/97



U.S. PTO

Atty. Dkt. No.: 32892.22  
USSN: Unassigned  
Inventor: Eugenio A. Cefali

A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

EUGENIO A. CEFALI

Entitled: Intermediate Release Nicotinic Acid Compositions for Treating Hyperlipidemia  
Which Exhibit an *In Vivo* Stair-Stepped Absorption Curve

To the Assistant Commissioner  
for Patents  
Box Patent Application  
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL

"EXPRESS MAIL" Mailing Label No. E1637428978US  
Date of Deposit October 31, 1997  
I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express  
Mail Post Office to Addressee" service under  
37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for  
Patents, Box Patent Application, Washington, D.C. 20231

Type or Print Name A. M. (Andy) Arismendi, Jr.

Signature *Andy Arismendi, Jr.*

Dear Sir:

REQUEST FOR FILING A NATIONAL PATENT APPLICATION

Transmitted herewith for filing, please find the following:

- ☒ i. Specification, claims and abstract of the above-referenced patent application having 47 pages.
- ☒ ii. Drawings (\_\_\_ formal / 5 informal) comprising Figures 1-5.
- ☒ iii. Combined Declaration and Power of Attorneys  
(\_\_\_ signed ☒ unsigned).
- ☒ 3A. No executed Oath, or Declaration, nor is any fee enclosed pursuant to 37 C.F.R. 1.53(d).
- \_\_\_ iv. Information Disclosure Statement along with Form PTO-1449 and references.

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X v. This is a: X Continuation-In-Part;      Divisional;      Continuation;  
     substitute Application (MPEP 201.09) of Application Serial No.  
08/814,974 filed March 6, 1997;      reissue of U.S. Patent No.      filed  
on     .

An extension to extend the life of the above prior Application to at least the date of filing  
hereof

(One box must be marked)

- (a)      is concurrently being filed in that prior Application,  
(b)      was previously filed in that prior Application,  
(c) X is not necessary for copendency.

     vi. Attached is an assignment to                                 . Please return the recorded  
assignment to the undersigned.

     vii. Priority is claimed under 35 U.S.C. § 119 based on filing in (country).

	<u>Application No.</u>	<u>Filing Date</u>
(1)	<u>    </u>	<u>    </u>
(2)	<u>    </u>	<u>    </u>
(3)	<u>    </u>	<u>    </u>

     (No.) Certified copy (copies)      are attached; or      were previously filed  
on     .

     viii. Attached:      (No.) verified statement(s) establishing "small entity" status under 37  
CFR § 1.9 and 1.27.

X ix. Attached:

X Return Postcard  
X Assignment (unsigned)  
X Verified Statement (unsigned)

     x. Preliminary Amendment:

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Prior to a first Office Action, kindly amend the Application as follows:

- xi. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.

					SMALL ENTITY RATE	OR	LARGE ENTITY RATE		
BASIC FEE					\$ 395.00		\$	=	+\$ 395.00
	NUMBER FILED			NUMBER EXTRA					
TOTAL CLAIMS	4	-20	=	0 (at least 0)	x 11	OR	x 22	=	+\$
INDEP. CLAIMS	2	-3	=	0 (at least 0)	x 40	OR	x 80	=	+\$
If any <u>proper</u> multiple dependent claim (ignore improper) is present (Enter \$0.00 if this is a <u>reissue</u> application.)					+\$130	OR	+\$260	=	+\$
If assignment is x'd (item 6), add recording fee \$40.00									+\$
Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130									+\$
TOTAL FILING FEE									=\$ 395.00

- \_\_\_\_\_ xii. A check in the amount of \$\_\_\_\_\_ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447/32892.18.
- \_\_\_\_\_ xiii. Please charge my Deposit Account No. 10-0447 in the amount of \$\_\_\_\_\_ to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.
- \_\_\_\_\_ xiv. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter

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relative to this application and for the resulting Official Document under 37 CFR 1.20, and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached. The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

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